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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,708

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Takayuki Nishimura

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10/19/2007

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EXAMINER

CASCHERA, ANTONIO A

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

10/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/763,708

Applicant(s)

NISHIMURA ET AL.

Examiner

Antonio A. Caschera

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,8,12,14,15,17,19,21,25,27,29,31,32 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,6,8,12,14,15,19,21,25,27,29,31 and 32 is/are allowed.
- 6) ☒ Claim(s) 34 is/are rejected.
- 7) ☒ Claim(s) 4,17 and 35-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 08/10/2007

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

### ***Claim Objections***

3. Claims 35-38 are objected to because of the following informalities:
  - In reference to claim 35, the claim comprises the variables " $C_b$ " and " $c_b$ " within the equations of " $G=$ " and " $B=$ " (see last 6 lines of the claim). The Office believes such variables to be equivalent and therefore requires the variables to be equally represented such as making both references read " $C_b$ ."
  - In reference to claim 36, the claim comprises the variables " $a$ " and " $d$ " within the formula of the claim which are not clearly defined by the claim and no value or range of values are specifically set thereto. The Office requires all variables within a formula to be defined as no definition leads to an unclear and imprecise definition of the formula and therefore an imprecise aspect of the claimed invention.

Art Unit: 2628

- In reference to claim 37, the claim comprises the variables “o”, “D”, “ $x_M$ ” and “ $y_M$ ” within the formula of the claim which are not clearly defined by the claim and no value or range of values are specifically set thereto. The Office requires all variables within a formula to be defined as no definition leads to an unclear and imprecise definition of the formula and therefore an imprecise aspect of the claimed invention.
- In reference to claim 38, the claim comprises the variable “o” within the formula of the claim which is not clearly defined by the claim and no value or range of values is specifically set thereto. The Office requires all variables within a formula to be defined as no definition leads to an unclear and imprecise definition

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In reference to claim 34, the language of the claim raises questions as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Specifically, the “article of manufacture having one or more computer-readable medium recording program code to cause a computer to perform...” as disclosed in claim 34, is the abstract idea. See MPEP 2106 IV

Art Unit: 2628

(B)(1) and 2106.01 [R-5]. Note, the Office suggests the Applicant amend the claim language of claim 34, and any dependent claims, to read, for example, "An article of manufacture having one or more computer-readable medium embodied with program code to cause a computer to perform..." as such claim language is recommended as per the Interim Guidelines for Examination of Patent Applications for subject Matter Eligibility.

***Response to Arguments***

5. Applicant's arguments, see page 19 of Applicant's Remarks, filed 07/06/07, with respect to the 35 USC 101 rejection of claims 1, 2, 4, 6, 8, 12, 25, 27, 29, 31, 32 and 35-38 have been fully considered and are persuasive. The 35 USC 101 rejection of claims 1, 2, 4, 6, 8, 12, 25, 27, 29, 31, 32 and 35-38 has been withdrawn since a clarification of Interim Guidelines for Examination of Patent Applications for subject Matter Eligibility has recently been realized by the Office.

6. Applicant's arguments, see page 19 of Applicant's Remarks, filed 07/06/07, with respect to the 35 USC 112 rejection of claims 1, 2, 4, 6, 8, 12, 14, 15, 17, 19, 21, 25, 27, 29, 31, 32 and 34-38 have been fully considered and are persuasive. The 35 USC 112 rejection of claims 1, 2, 4, 6, 8, 12, 14, 15, 17, 19, 21, 25, 27, 29, 31, 32 and 34-38 has been withdrawn.

7. Applicant's arguments, see pages 20-21 of Applicant's Remarks, filed 07/06/07, with respect to the 35 USC 102(b) rejection of claims 1, 14 and 34 have been fully considered and are persuasive. The 35 USC 102(b) rejection of claims 1, 14 and 34 has been withdrawn. Note, no other prior art has been found in order to properly reject the remaining claims thereby deeming such claims in condition for allowance.

Art Unit: 2628

8. Applicant's arguments, see page 20 of Applicant's Remarks, filed 07/06/07, with respect to the objection of claims 35 and 38 have been fully considered and are persuasive. The objection of claims 35 and 38 has been withdrawn since previously objected to subject matter has been corrected for, however new objections to the claims can be seen above.

***Allowable Subject Matter***

9. Claims 1, 2, 6, 8, 12, 14, 15, 19, 21, 25, 27, 29, 31 and 32 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In reference to claims 1, 8, 14 and 21, the prior art of record does not explicitly disclose the specifics of performing a backward data transformation using first data of a first color space, to transform such data into a second data of a second color space being different than such first color space and having a higher resolution than such first color space along with reversibly performing a backward transformation using an integer operation so that the forward transformation transforms the second data in the second color space to third data in the first color space where first data corresponds to third data, in combination with the further limitations of claims 1, 8, 14 and 21 respectively.

In reference to claims 2, 6, 15, 19, 27, 29, 31 and 32, claims 2, 6, 15, 19, 27, 29, 31 and 32 depend upon claims 1 and 14 and are therefore also deemed allowable.

In reference to claims 12 and 25, the prior art of record does not explicitly disclose the specifics of performing backward and forward, reversible data transformation implementing the first unit system as a "BNU" unit system converting to a 1/100mm second unit system, in combination with the further limitations of claims 12 and 25 respectively.

Art Unit: 2628

Note, claims 35-38 are objected to for comprising informalities, of which when corrected for, would deem such claims allowable for depending upon an allowable independent claim.

Further note, claim 34 is rejected under 35 USC 101 and would be deemed allowable if the above 35 USC 101 rejection is corrected for, as suggested above.

10. Claim 4 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 2.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

11. Claim 17 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 15.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Art Unit: 2628

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**571-273-8300 (Central Fax)**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac

A handwritten signature in black ink, appearing to be 'aac' followed by a stylized flourish.

10/15/07